

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DAVID A. CORDOVA,
Plaintiff,

v.

No. CV 10-1165 CG

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER GRANTING EAJA FEES

THIS MATTER is before the Court on *Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act* (Doc. 22) and its accompanying attorney affidavit (Doc. 22-1). Defendant filed his response and does not oppose the Motion. (Doc. 26 at 1-2).

IT IS THEREFORE ORDERED that *Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act* (Doc. 22) is **GRANTED** and that Plaintiff David A. Cordova¹ is authorized to receive **\$3,343.10** in fees for payment to his attorney for services before this Court.²



THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent

¹ See *Manning v. Astrue*, 510 F.3d 1246, 1251 (10th Cir. 2007) (requiring EAJA fees to be paid to the claimant).

² In the future, if Mr. Cordova's counsel is also awarded attorney fees pursuant to 42 U.S.C. § 406(b), he shall refund the smaller award to Mr. Cordova pursuant to *Gisbrecht v. Barnhart*. 535 U.S. 789, 796 (2002) ("Fee awards may be made under both [EAJA and § 406(b)], but the claimant's attorney must refund to the claimant the amount of the smaller fee." (internal quotation marks and alteration omitted)).